

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**

## DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**BIOLUMINESCENT NOVELTY ITEMS**

the specification of which (check one)

- ☐ is attached hereto.  
☒ was filed by an authorized person on my behalf on  
August 17, 1998 as Application Serial No. 09/135,988.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate listed below and so identified, or §365(a) of any PCT international application that designated at least one country other than the United States of America, listed below, and I have also identified below any foreign application for patent or inventor's certificate or PCT international application on this invention filed by us or our legal representatives or assigns and having a filing date before that of the application on which priority is claimed.

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Priority Claimed (Yes or No)</u>
N/A			

I hereby claim benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

<u>Application Serial No.</u>	<u>Filing Date</u>
N/A	

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
08/597,274	02/06/96	Pending
08/757,046	11/25/96	Pending

<u>PCT Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
N/A		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to Stephanie Seidman, BROWN, MARTIN, HALLER & McCLAIN, 1660 Union Street, San Diego, California 92101-2926:

<u>Attorney</u>	<u>Reg. No.</u>
Stephanie Seidman	33,779
Paula K. Schoeneck	39,362
Barry S. Wilson	39,431
Dale L. Rieger	43,045

and other members of the firm.

Address for correspondence: Stephanie Seidman  
Heller Ehrman White & McAuliffe  
4250 Executive Square, 7th Floor  
La Jolla, CA 92037

Full name joint inventor:

BRUCE BRYAN

Inventor's signature:

*Bryan*  
9/17/98

Date:

Residence:

Beverly Hills, California

Post Office Address:

716 N. Arden Drive  
Beverly Hills, California 90210  
U.S.A.

Citizenship:

004027-24727-105C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bruce Bryan

Serial No.: 09/135,988

Filed: August 17, 1998

For: BIOLUMINESCENT NOVELTY ITEMS

VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS (37 C.F.R. §§1.9(f)  
and 1.27(b) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. §1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled BIOLUMINESCENT NOVELTY ITEMS described in

- ( ) the specification filed herewith  
(X) application Serial No. 09/135,988, filed August 17, 1998  
( ) Patent No. \_\_\_\_\_, issued \_\_\_\_\_

I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. §§1.9 (c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 C.F.R. §1.27).

Full Name PROLUME, LTD.

Address 716 N. Arden Drive, Beverly Hills, California 90210

( ) Individual (X) Small Business Concern ( ) Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. §1.28(b)).

9/17/98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bruce Bryan  
Serial No.: 09/135,988  
Filed: August 17, 1998  
For: BIOLUMINESCENT NOVELTY ITEMS

**VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS (37 C.F.R. §§1.9(f)  
and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ( ) the owner of the small business concern identified below:  
(X) an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN PROLUME, LTD.  
ADDRESS OF CONCERN 716 N. Arden Drive  
Beverly Hills, California 90210

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121.3-18 and reproduced in 37 C.F.R. §1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I her by declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled BIOLUMINESCENT NOVELTY ITEMS by inventor Bruce Bryan.

- ( ) the specification filed herewith  
(X) application Serial No. 09/135,988 filed August 17, 1998  
( ) Patent No.                      issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 C.F.R. §1.27).

Full Name Bruce Bryan  
Address 716 N. Arden Drive, Beverly Hills, CA 90210  
(X) Individual ( ) Small Business Concern ( ) Nonprofit Organization

Full Name \_\_\_\_\_  
Address \_\_\_\_\_  
( ) Individual ( ) Small Business Concern ( ) Nonprofit Organization

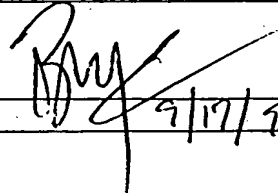
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING  
TITLE OF PERSON OTHER THAN OWNER  
ADDRESS OF PERSON SIGNING

Bruce J. Bryan  
Chief Executive Officer  
PROLUME, LTD.  
716 N. Arden Drive  
Beverly Hills, CA 90210

SIGNATURE  
DATE

  
9/17/98